

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

INSTRUCTIONS FOR FILING A CIVIL RIGHTS
COMPLAINT UNDER 42 U.S.C. § 1983

We enclose one blank § 1983 complaint form, one blank petition and affidavit for leave to proceed without prepayment of fees and costs, one blank summons form and one U S. Marshal service form (USM285). Your documents will not be accepted unless they conform to the following instructions. THESE INSTRUCTIONS ARE GIVEN TO SIMPLY, QUICKLY, AND COMPLETELY ASSIST YOU. PLEASE READ CAREFULLY.

1. You must submit to the clerk an original complaint; that is, no carbon copy, no xerox copy, or other methods of copying are acceptable. Your complaint must be filled out in pen or typewriter and signed in ink. If you wish to have a file-stamped copy of your complaint returned to you, please submit a self-addressed, stamped envelope, or you will not receive a copy back.

2. In order for the complaint to be filed, it must be accompanied by a filing fee of \$250.00, except as provided in 3 below:

3. If you cannot prepay the full filing fee and service costs, you may petition the court for leave to proceed without prepayment of fees and costs. You must complete and sign, under penalty of perjury, the enclosed petition and affidavit for leave to proceed without prepayment of fees and costs. This does not need to be notarized. Each plaintiff must complete a separate petition and affidavit for leave to proceed without prepayment of fees and costs. If you are incarcerated, the prison must fill in the amount in your prison trust account and provide you with a copy of a ledger showing all withdrawals and deposits to your account for the last six months. If you do not submit a 6-month prison trust account ledger, your complaint will not be filed and will only result in a delay of consideration of your complaint by the court.

4. The Prison Litigation Reform Act of 1997 significantly impacts prisoner cases. If the court lets you proceed with this case *in forma pauperis*; that is without first paying the filing fee, you will still be responsible for paying the entire \$250 filing fee even if your case is subsequently dismissed or otherwise terminated by the court. Further, the institution in which you are incarcerated is *automatically authorized* to withhold 20% of your monthly income and forward that money to the clerk's office each month until your entire \$150.00 filing fee is paid. This provision applies to each case you file.

5. All parts of the complaint and the petition for leave to proceed without prepayment of fees and costs must be completely answered. If any portion of the complaint or the petition is not applicable to your lawsuit, put "N/A" (not applicable) in the

appropriate space.

6. In order for your complaint to receive consideration by the Court, it must be legibly handwritten or typewritten, and it must set forth in clear, concise form, the answer to each applicable question.

7. All papers must be signed by the plaintiff. If there is more than one plaintiff, each plaintiff must sign all the papers submitted to the court. They need not be notarized; however, each plaintiff must attest under penalty of perjury that the complaint is true. You are warned that any false statement of material facts in your complaint or in your petition and affidavit to proceed without prepayment of fees and costs may subject you to prosecution, conviction, and/or dismissal of your case and a possible fine.

8. You must fill out the complaint form in the space which has been provided.

- A) You may use extra space ONLY on Part I to fully list the names of all the plaintiffs and defendants in your lawsuit, on Part II to describe any previous lawsuits you might have filed, and on Part IV to list additional specific allegations.
- B) YOU MUST STATE THE FACTS OF YOUR CLAIM ONLY IN THE SPACE PROVIDED UNDER PART V. Just state the facts, you SHOULD NOT give any legal conclusions or legal arguments. Keep things short and to the point. Take lots of time to write, rewrite, and rewrite again the facts of your claim, on your own paper, until you can fit it in the space provided. Get to the heart of your complaint. Several paragraphs, with dates, places, and names, should usually be enough. The court strongly disapproves of any claims stated outside the space provided.
- C) You must state your request for relief only in the space provided under Part VI.

9. If, at any time, you request the clerk to send you information, you must provide the clerk with a stamped, self-addressed envelope. If you want a copy of any document you submit for filing to be returned to you, you must send the original and one copy of the document so that the original is filed into your case file and the copy file-stamped and returned to you in the self-addressed, stamped envelope you have provided us.

10. All plaintiffs must advise the clerk of any change of address. Failure to notify the clerk of change of your address could result in the dismissal of your case.

11. If the court lets you file your complaint without paying the filing fee, or if you have to pay a partial filing fee, the U.

S. Marshal will serve your complaint and summons on the defendant(s) for you; however, you will then be responsible for sending a copy of any and all documents you subsequently file with the Clerk of the Court to each defendant, or his attorney who has filed an appearance or filed an answer in your lawsuit.

12. Also enclosed is a summons form. If you are paying the \$250.00 filing fee, you may complete this form at this time and return it to the Clerk's office to be issued by the court. It will then be returned to you, and it will be your responsibility to make service of your complaint upon the defendant(s). The summons is the instrument that lets a defendant know of the newly filed lawsuit in which he or she is named as a defendant and gives them the opportunity to answer your complaint within a certain amount of time.

13. If your complaint is filed by any means (you did not have to pay the filing fee, you had to pay a partial filing fee or you paid the entire fee) you must prepare, and have the clerk issue, summons directed to each defendant within 120 days of the file date of your complaint or your complaint is subject to dismissal, pursuant to Federal Rules of Civil Procedure 4(m).

14. When all of these forms are properly completed, mail them all together, in one group to the appropriate Clerk's Office - address shown below:

FOR THE FORT WAYNE DIVISION:

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
1108 E. ROSS ADAIR COURTHOUSE
1300 S. HARRISON STREET
FORT WAYNE, IN 46802

FOR THE HAMMOND DIVISION:

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
5400 FEDERAL PLAZA, SUITE 2300
HAMMOND, IN 46302

FOR THE SOUTH BEND DIVISION:

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
102 ROBERT A. GRANT COURTHOUSE
204 S. MAIN STREET
SOUTH BEND, IN 46601

FOR THE LAFAYETTE DIVISION:

OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT
214 CHARLES HALLECK FEDERAL BLDG.
230 NORTH FOURTH STREET
LAFAYETTE, IN 46601